

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RICHARD VAUGHN	:	CIVIL ACTION
	:	
v.	:	NO. 06-0734
	:	
JO ANNE B. BARNHART,	:	
Commissioner of the Social Security	:	
Administration	:	

ORDER

AND NOW, this 31st day of October, 2006, upon consideration of Plaintiff's Brief and Statement of Issues in Support of Request for Review in the nature of a motion for summary judgment (Document No. 10), the Defendant's Response to Request for Review of Plaintiff in the nature of a cross motion for summary judgment (Document No. 11), the Report and Recommendation of United States Magistrate Judge Arnold C. Rapoport (Document No. 13), and after a thorough and independent review of the record, it is **ORDERED** as follows:

1. The Magistrate Judge's Report is **APPROVED** and his Recommendation is **ADOPTED**;
2. The plaintiff's motion for summary judgment is **GRANTED**;
3. The defendant's motion for summary judgment is **DENIED**; and
4. The decision of the Commissioner of Social Security is **VACATED** and this case is **REMANDED** for further proceedings consistent with the Report and Recommendation.

s/ Timothy J. Savage
TIMOTHY J. SAVAGE, J.